

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION  
3 UNITED STATES OF AMERICA, ) Case 1:17-cr-00284  
4 Plaintiff, )  
5 v. ) Alexandria, Virginia  
6 CHRISTOPHER ROBERT SUEIRO, ) May 24, 2018  
7 Defendant. ) 2:01 p.m.  
8 ) Pages 1 - 10

9 TRANSCRIPT OF GOVERNMENT'S SECOND MOTION FOR MENTAL  
10 EXAMINATION TO DETERMINE DEFENDANT'S COMPETENCE TO  
11 STAND TRIAL

12 AND  
13 DEFENDANT'S MOTION FOR A *FARETTA* HEARING  
14 BEFORE THE HONORABLE ANTHONY J. TRENGA  
15 UNITED STATES DISTRICT COURT JUDGE

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25 COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 APPEARANCES:

2 FOR THE PLAINTIFF:

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7 FOR THE DEFENDANT:

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11 ELSBETH J. BENNETT, ESQUIRE  
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13 THE DEFENDANT, CHRISTOPHER ROBERT SUEIRO, IN PERSON  
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1 THE CLERK: Criminal Case 1:17-cr-284, *United*  
2 *States of America v. Christopher Robert Sueiro.*

3 Will counsel please identify themselves for  
4 the record.

5 MR. BURKE: Good afternoon, Your Honor. Jim  
6 Burke and Maya Song on behalf of the United States.

7 MS. MULLIN: Good afternoon, Your Honor.  
8 Elizabeth Mullin and Elsbeth Bennett on behalf of  
9 Mr. Sueiro.

10 THE COURT: All right. Thank you.

11 We're here on two motions, the government's  
12 second motion for a mental examination and the  
13 defendant's motion to proceed *pro se* which I've  
14 reviewed. I'm going to take up the defendant's motion  
15 first.

16 THE DEFENDANT: I'm challenging jurisdiction.

17 THE COURT: Have a seat, Mr. Sueiro.

18 THE DEFENDANT: I can say it from sitting  
19 down too.

20 THE COURT: Hold on a moment.

21 Ms. Mullin --

22 THE DEFENDANT: There are several case laws  
23 that say that jurisdiction can be challenged at any  
24 time. I'm challenging jurisdiction at this time.

25 THE COURT: Let me ask you: Do you want to

1 put anything on the record before we proceed with the  
2 *Faretta* hearing on the defendant's motion?

3 MS. MULLIN: No, Your Honor. With respect to  
4 the government's motion, I would just stand by the  
5 Court's previous ruling, that Mr. Sueiro is competent  
6 to stand trial, and ask the Court to proceed with the  
7 *Faretta* hearing.

8 THE COURT: All right.

9 THE DEFENDANT: I just --

10 THE COURT: Mr. Sueiro, please be quiet.

11 THE DEFENDANT: I have a right to  
12 challenge -- jurisdiction can be challenged at any  
13 time.

14 THE COURT: Mr. Sueiro, I understand that you  
15 want to represent yourself. Is that correct? Is that  
16 correct?

17 THE DEFENDANT: Right now I'm trying to  
18 challenge jurisdiction as is my right to do.

19 THE COURT: Well, I'm asking you: Do you  
20 still want to pursue your motion to be represented by  
21 yourself without a lawyer?

22 THE DEFENDANT: And I am answering your  
23 question by saying that, as says it says in *Basso v.*  
24 *Utah Power Light Company*, jurisdiction may be  
25 challenged at any time, and I am challenging

1 jurisdiction.

2 THE COURT: First of all, Mr. Sueiro, would  
3 you come to the podium, please.

4 THE DEFENDANT: Yes. I was wanting to do  
5 that anyway.

6 THE COURT: The first order of business is  
7 for the Court to determine whether you should be  
8 allowed to represent yourself as you have requested  
9 through counsel in your motion. Do you want to proceed  
10 with that motion?

11 THE DEFENDANT: As I said, I am challenging  
12 jurisdiction at this time.

13 THE COURT: Well, I am not going to take that  
14 up until we determine who is going to represent you,  
15 whether you're going to represent yourself or whether  
16 you're going to be represented through counsel.

17 THE DEFENDANT: Well, this --

18 THE COURT: We're going to proceed in that  
19 fashion, sir. Now, listen to me.

20 THE DEFENDANT: Right. This case law says  
21 jurisdiction can be challenged at any time. Then  
22 another one, *Main v. Thiboutot*, says the law provides  
23 that once state and federal jurisdiction has been  
24 challenged, it must be proven. There is no delay in  
25 that.

1 THE COURT: Sir, do you understand what I'm  
2 saying?

3 THE DEFENDANT: I do not understand what  
4 you're saying, but I do clearly overstand everything  
5 you have said and ever will say to me.

6 As the law requires, I am challenging  
7 jurisdiction. Once it is challenged, it must be proven  
8 and cannot be assumed. There are other case law that  
9 state that as well.

10 THE COURT: Mr. Sueiro, do you understand  
11 why --

12 THE DEFENDANT: *Stuck v. Medical Examiner*  
13 says challenged --

14 THE CLERK: Mr. Sueiro --

15 THE DEFENDANT: -- jurisdiction cannot be  
16 assumed. It must be proven to exist.

17 THE COURT: -- do you understand why you're  
18 in court here today?

19 THE DEFENDANT: I do not, but I do overstand  
20 everything you say, as I said.

21 THE COURT: All right.

22 THE DEFENDANT: There is no discretion to  
23 ignore lack of jurisdiction, *Joyce v. U.S.*, and it  
24 goes on and on.

25 There's also Title 5 U.S.C. § 556(d), which

1 states once jurisdiction is challenged, the burden of  
2 proof is on the government.

3 Very clearly these case laws --

4 (Ms. Mullin and the defendant confer.)

5 THE DEFENDANT: I know what he's asking, and  
6 I'm answering in this fashion.

7 These case laws state very clearly that once  
8 jurisdiction is challenged -- and it can be challenged  
9 at any time. As it says right here in *Basso v. Utah*  
10 *Power Light Company*, it must be proven, and it cannot  
11 just be assumed. I have now decided to challenge  
12 jurisdiction at this time. So, therefore, that  
13 obligates you by law to answer my challenge of  
14 jurisdiction first and foremost before any other court  
15 proceedings can take place. That puts a halt on any  
16 and all court proceedings unless and until jurisdiction  
17 can be proven.

18 THE COURT: All right. Mr. Sueiro, I will  
19 tell you that the Court has jurisdiction. To the  
20 extent the Court entertains that motion, the Court  
21 finds it has jurisdiction.

22 Are you now ready to proceed?

23 THE DEFENDANT: I have to read this because  
24 what you said is actually not correct there,  
25 Mr. Trenga. It says in *Rescue Army v. Municipal Court*

1 of Los Angeles a court has no jurisdiction to determine  
2 its own jurisdiction for a basic issue in any case  
3 before a tribunal is its power to act. A court must  
4 have the authority to decide that question in the first  
5 instance.

6 So what you just attempted to do there,  
7 Mr. Trenga, cannot actually be done by law.

8 (Ms. Mullin and the defendant confer.)

9 THE DEFENDANT: I got this. If you recall,  
10 Ms. Mullin, you actually were fired back on May 10. So  
11 I don't need your advice. I can handle this. Thank  
12 you. I appreciate it, but I'm competent.

13 THE COURT: All right. Have a seat,  
14 Mr. Sueiro.

15 THE DEFENDANT: And I have a motion to  
16 dismiss based on that, and I can go into further detail  
17 if it is needed.

18 THE COURT: All right.

19 THE DEFENDANT: I have plenty more to speak  
20 of.

21 THE COURT: Based on Mr. Sueiro's responses  
22 to the Court's questions and his general demeanor, as  
23 well as the substance of his --

24 THE DEFENDANT: My Sixth Amendment right to  
25 speedy trial has been violated --

1 THE COURT: -- as well as the substance of  
2 his responses --

3 THE DEFENDANT: -- and my challenge of  
4 jurisdiction must be proven at this point. You must  
5 prove that my Sixth Amendment right to speedy trial has  
6 not been violated or else my challenge of jurisdiction  
7 stands and my motion to dismiss must lawfully be  
8 granted.

9 THE COURT: Mr. Sueiro, I don't want to  
10 direct the marshals to forcibly keep you quiet. I ask  
11 that you cease right now from speaking while the Court  
12 is speaking.

13 THE DEFENDANT: I am only asserting my  
14 rights, Mr. Trenga.

15 THE COURT: In any event, the Court finds  
16 based on the defendant's responses and appearance here  
17 today that he should be committed for --

18 THE DEFENDANT: Motion to dismiss --

19 THE COURT: He should be further committed  
20 for a psychiatric examination in order to determine  
21 whether he's competent to stand trial and that he  
22 appreciates the consequences of the proceedings against  
23 him and whether he's competent to assist in his defense  
24 either *pro se* or to properly assist his lawyer.

25 THE DEFENDANT: *US v. Willis*, he or she does

1 not have a jurisdiction to act when judges engage in an  
2 act or acts of treason. Do you intend to betray the  
3 country in this way, Mr. Trenga, knowing the law and  
4 still choosing to ignore it?

5 THE COURT: All right. The Court will issue  
6 that order.

7 MR. BURKE: Thank you, Your Honor.

8 THE DEFENDANT: When violating a  
9 constitutional right to my ability --

10 THE COURT: Counsel is excused, and the  
11 defendant is remanded and committed for further  
12 psychiatric examination.

13 THE DEFENDANT: And I will sue you.

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Time: 2:09 p.m.

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22 I certify that the foregoing is a true and  
23 accurate transcription of my stenographic notes.

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/s/  
Rhonda F. Montgomery, CCR, RPR